

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

EDWARD JAMES COLLINS,

Petitioner,

v.

CIVIL ACTION NO. 5:02-1375

UNITED STATES OF AMERICA,

Respondent.

JUDGMENT ORDER

By Standing Order entered on May 30, 2002, and filed in this case on November 27, 2002, this matter was referred to United States Magistrate Judge R. Clarke VanDervort. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Standing Order directs Magistrate Judge VanDervort to submit proposed findings and recommendation concerning the disposition of this matter. Magistrate Judge VanDervort submitted his Proposed Findings and Recommendation on February 27, 2006. The magistrate judge made the following recommendations: (1) that the court confirm and accept the magistrate judge's findings, (2) that the court deny petitioner's § 2255 Motion and Amended § 2255 Motion (Doc. Nos. 52 & 60), and (3) that the court order the Clerk to remove it from the court's active docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Proposed Findings and Recommendation. Petitioner filed two sets of

objections. The court has conducted a de novo review of the record as to all of the objections. For reasons to be discussed in a memorandum opinion to be filed forthwith, the court OVERRULES the plaintiff's objections. The court further (1) CONFIRMS and ACCEPTS the magistrate judge's findings, (2) DENIES petitioner's § 2255 Motion and Amended § 2255 Motion (Doc. Nos. 52 & 60), and (3) ORDERS the Clerk to remove it from the court's active docket.

The Clerk is directed to forward a copy of this Judgment Order to the plaintiff, pro se, and to all counsel of record.

IT IS SO ORDERED this 29th day of March, 2006.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Chief Judge